

## 7A Am. Jur. 2d Automobiles § 8

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### Automobiles and Highway Traffic

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### I. In General

#### A. Definitions and Distinctions

## § 8. Bicycles and mopeds

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Automobiles](#)  1

### A.L.R. Library

[Operation of bicycle as within drunk driving statutes, 73 A.L.R.4th 1139](#)

While it has been held that bicycles are vehicles,<sup>1</sup> it has also been held that a bicycle is not a vehicle.<sup>2</sup> Bicycles are generally subject to the same regulation as motor vehicles, with certain express limitations.<sup>3</sup> For example, a bicycle that a defendant was operating while intoxicated is a "vehicle" under a statute criminalizing the operation of a vehicle while under the influence of alcohol (DUI).<sup>4</sup>

A moped is a bicycle designed to be operated by human power with the assistance of a motor.<sup>5</sup> While it has been held that a moped is not a motor vehicle,<sup>6</sup> it has also been held that a moped is a vehicle,<sup>7</sup> at least for purposes of the prohibition against driving while intoxicated.<sup>8</sup>

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### Footnotes

1                   Borromeo v. Shea, 138 Wash. App. 290, 156 P.3d 946 (Div. 1 2007).  
2                   Kendrick v. Manda, 38 Kan. App. 2d 864, 174 P.3d 432 (2008).  
3                   U.S. v. Dotson, 34 F.3d 882, 32 A.L.R.5th 875 (9th Cir. 1994) (applying Washington law); Lewis v.  
4                   Brumbles, 83 N.C. App. 90, 349 S.E.2d 323 (1986).  
5                   Everton v. District of Columbia, 993 A.2d 595 (D.C. 2010); City of Lincoln v. Johnston, 2012 ND 139, 818  
6                   N.W.2d 778 (N.D. 2012); State v. Abbey, 239 Or. App. 306, 245 P.3d 152 (2010).  
7                   Crespo v. Topi, 154 Md. App. 391, 840 A.2d 156 (2003).  
8                   Crespo v. Topi, 154 Md. App. 391, 840 A.2d 156 (2003).  
9                   Jones v. State, 721 So. 2d 320 (Fla. 2d DCA 1998).  
10                  State v. Saiz, 130 N.M. 333, 2001-NMCA-035, 24 P.3d 365 (Ct. App. 2001).

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